THE NATURE OF FASTING

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DARUSSALAM
Publishers and Distributors

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كُتِبَ عَلَيْكُمُ الصِّيَامُ كَمَا كُتِبَ عَلَى الَّذِينَ مِن قَبْلِكُمْ

{Fasting is prescribed for you as it was prescribed for those before you.}

Publishers Note

All praise is due to Allah, and may He grant peace and blessings upon His Last Messenger Muhammad (*salAllahu 'alayhi wa sallam*).

This is a translation one of the smaller publications from the words of *Shaykh* Al-Islam Taqiuddin Ahmad bin 'Abdul-Halim Ibn Taymiyyah. It has been published in this form a variety of times with a number of minor additions to the text under the title, "Haqiqatus-Siyam," or "The Nature of Fasting." We have revised our version to meet the source section of *Majmu' Al-Fatawa* (25:219) from where it appears that the original booklet – with the exception of the questions, of which most appear on earlier pages – has been taken. We have inserted brackets to signify the additions, which earlier publishers probably took from other sections of his writings. We have also added brief references to the text for the *Hadiths*. I would like to express gratitude to brother Ebrahim Aly Ma'rouf for the original translation of this booklet and the *Darussalam* staff for their editing and lay out work.

In the end all praise is due to Allah, and upon Him we depend.

Abdul-Malik Mujahid
General Manager
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The Nature of Things that Break the Fast

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the Name of Allah. Most Gracious, Most Merciful

Praise be to Allah. We praise Him, seek His Help, and ask his Forgiveness. We seek refuge in Allah from the evil of our souls and the evil of our deeds. Whomever Allaah guides, there is no one to mislead him. And whomever He misleads, there will be no guide for him.

We testify that there is none worthy of worship except Allah, ascribing no partners to Him. And we testify that Muhammad is His Servant and His Messenger (*salAllahu ʻalayhi wa sallam*).

What breaks one's fast is of two kinds: One type will break the fast according to the texts and consensus of the scholars. This includes: Eating, drinking, and sexual intercourse. Allah, the Almighty, said:

{فَالآنَ بَاشِرُوهُنَّ وَابْتَغُواْ مَا كَتَبَ اللّهُ لَكُمْ وَكُلُواْ وَاشْرَبُواْ حَتَّى يَتَبَيَّنَ لَكُمُ الْخَيْطُ الأَبْيَضُ مِنَ الْخَيْطِ الأَسْوَدِ مِنَ الْفَجْرِ ثُمَّ أَتِمُّواْ الصِّيَامَ إِلَى اللَّيْلِ}

{So now have sexual relations with them and seek that which Allah has ordained for you (offspring), and eat and drink until the white thread (light) of the dawn appears to you distinct from the black thread (darkness of night), then complete your fast till the nightfall.}

Thus, Allah permitted sexual relations (during the night of the fast), so, it is inferred from that fasting it to abstain from: Sexual intercourse, eating and drinking. Since Allah the Almighty, said before this:

{كُتِبَ عَلَيْكُمُ الصِّيَامُ كَمَا كُتِبَ عَلَى الَّذِينَ مِن قَبْلِكُمْ}

{Fasting is prescribed for you as it was prescribed for those before you.}

Then it is understood that fasting was known to them as abstaining from eating, drinking and sexual intercourse, and that the word (fast) was known to them before Islam and they acted according to it with this meaning, as recorded in the Two *Sahihs* from 'A'ishah (May Allah be pleased with her): "The Quraysh used to fast the day of '*Ashura*' in the pre-Islamic era." (Al-Bukhari and Muslim)

It has been narrated through many routes [of narration] that before prescribing the fast in the month of *Ramadhan*, the Messenger of Allah (*salAllahu ʻalayhi wa sallam*) ordered

fasting on the day of '*Ashura*' and he sent a herald to proclaim that. Thus, it is inferred that the word (Fasting) was known to them.

It is also established by the texts and the consensus of the Muslims that the menstruation blood invalidates the fast, hence, the menstruating woman does not fast, but she makes it up.

It is textually established from the narration of Luqayt bin Saburah that the Prophet (*salAllahu 'alayhi wa sallam*) said to him:

((Exaggerate in inhaling and exhaling of water (in your nose) unless you are fasting.)) (Abu Dawud And At-Tirmidhi)

It is inferred from this, that water reaching the stomach through the nose breaks one's fast. And this is the opinion of the majority of the scholars.

There are two *Hadiths* in the *Sunan*, one of them is narrated by Hisham bin Hasan, from Muhammad bin Sirin, from Abu Hurayrah (radyAllahu`anhu) who said: "The Messenger of Allah (*salAllahu 'alayhi wa sallam*) said:

((Whoever is overpowered by vomit while fasting, he does not have to make it up. But if he vomits (intentionally), then he makes it up.)) (Abu Dawud And At-Tirmidhi)

This *Hadith* is not confirmed according to a group of the scholars. They say: "It is the words of Abu Hurayrah." Abu Dawud said: "I heard Ahmad bin Hanbal saying: 'It is not of any worth."

Al-Khattabi said, "Meaning it is not preserved. At Tirmidhi said: 'I asked Muhammad bin Isma`il [Al Bukhari] about this *Hadith* and he said that he did know it except through 'Isa bin Yunus, and he [Muhammad] added: "I do not think it is preserved." He also narrated that Yahya bin Kathir narrated on the authority of `Umar bin Al-Hakam that Abu Hurayrah's opinion was that vomit does not break fast."

Al-Khattabi said: "Abu Dawud mentioned that Hafs bin Ghiyath narrated it from Hisham just as it was narrated by 'Isa bin Yunus." He [Al-Khattabi] said, "I do not know that there is any difference between the scholars over the question that whoever was overpowered by vomit does not have to make it up, nor that who intentionally vomits, then he has to make it up. They only differed over the atonement. The majority of them said: 'He has only to make it up.' But 'Ata' said: 'He has to make it up and to do the atonement.' This was quoted from Al-Awza'i, and it is the saying of Abu Thawr."

I (Ibn Taymiyyah) say: This is implied also by one of the two narrations form Ahmad answering about the atonement for cupping. Since if it was necessary for the cupped, then even more so for intentional vomiting. But what is apparent from his school is that atonement is not obligatory except in the case of sexual intercourse as stated by Ash Shafi`i.

Those who do not affirm the *Hadith* in question do so because it has not reached them through a dependable route. They indicate that it has a deficiency, in that it was narrated exclusively by 'Isa bin Yunus. But as is clear, he is not alone with it, rather it was also narrated by Hafs bin Ghiyath, and the other *Hadith* supports it.

That is the *Hadith* recorded by Ahmad and the *Sunan* compilers, like At-Tirmidhi, on the authority of Abu Ad-Darda' that the Prophet (*salAllahu 'alayhi wa sallam*) vomited and broke his fast (Ahmad and Abu Dawud) That was mentioned to Thawban who said: "He (Abu Ad-Darda') has told the truth. I, myself, poured the water for his ablution." But the wording of Ahmad is: "The Messenger of Allah (*salAllahu 'alayhi wa sallam*) vomited and performed ablution." Recorded by Ahmad on the authority of Husayn Al-Mu`alim. (Ahmad and At-Tirmidhi).

Al-Athram said: "I said to Ahmad, "They have contradicted each other with this *Hadith*. Ahmad said: "But Husayn Al-Mu`alim's narration is good." At Tirmidhi said: "This *Hadith* of Husayn is the most correct thing on this topic."

Accordingly, the obligation of ablution for vomiting was inferred from it. Yet it does not support this. For he may have intended that ablution is legislated for that, since it says nothing but that he performed ablution, and merely performing it does not prove that it is obligatory. Instead, it only proves that ablution in such case is legitimate. If it is said: "It is desirable," then such would be applicable from the *Hadith*.

Similarly, in the case of what was narrated from some companions about ablution in the case of bleeding, there is nothing in such narrations to prove doing so is obligatory. But it shows only that it is desirable. There is nothing among the Shari`ah proofs to support requiring that.

Rather, Ad-Daraqutni and others recorded from Humayd that Anas said: "The Messenger of Allah (*salAllahu 'alayhi wa sallam*) was cupped, and did not perform ablution. He washed only the location of the cupping."

Ibn Al-Jawzi recorded it in his book entitled: *Hujjatul-Mukhalaf*, and he did not weaken it, although his habit is to act upon the disparaging remarks reported wherever possible.

As for the narrated *Hadith* which says:

((Three (things) do not break the fast: Vomiting, cupping, and wet dreams.)) (At-Tirmidhi)

In another wording:

((They have not broken [their fast]: Not the one who vomits, nor the one who has a wet dream, nor the one cupped.)) (Abu Dawud)

Its chain is confirmed. What is narrated by Ath-Thawri and others, from Zayd bin Aslam, from a man among his companions, from a man among the companions of the Prophet

(*salAllahu 'alayhi wa sallam*) saying: "The Messenger of Allah (*salAllahu 'alayhi wa sallam*).." this was recorded by Abu Dawud, and this man is not known. 'Abdur Rahman bin Zayd bin Aslam reported it from his father from 'Ata' from Abu Sa`id from the Prophet; but 'Abdur-Rahman is weak according to the scholars of '*Ilm Ar-Rijal*. (Knowledge of the men of *Hadith*)

I say: His two *Marfu`* narrations from Zayd do not contradict his *Mursal* narration, rather it supports them. So the *Hadith* is confirmed from Zayd bin Aslam, but contains the wording:

((When one is overpowered with vomiting))

And others have reported it from Zayd bin Aslam in *Mursal* form.

Yahya bin Ma`in said: "The Hadith of Zayd bin Aslam is nothing." And if it were correct, it would mean: "Whoever was overpowered by vomit." Because he connected it with having a wet dream, and one does not have a wet dream by choice, since he is asleep, so it does not break ones fast according to the consensus.

As for the *Hadith* about cupping, it is either abrogated or abrogating; due to the *Hadith* of Ibn 'Abbas which says that the Messenger of Allah (*salAllahu 'alayhi wa sallam*) was cupped while fasting and in a state of *Ihram*, (Ahmad, Abu Dawud and At-Tirmidhi).

And perhaps vomiting, if it is included under the meaning of intentional vomiting, then it may also be abrogated. This supports the view that the prohibition of cupping came later. It is known that if there are two contradicting texts, one changing the rule and other remaining upon it, the one changing is given preference since it is abrogating the other, and the earlier is more likely to be the abrogated.

As to him who masturbates then ejaculates, he breaks his fast. The wet dream only applies to the one who ejaculates while asleep.

By analogy, a group of scholars thought that no emission breaks the fast, and that the one who intentionally vomits only breaks his fast since it is likely that some of the vomit will return (to the stomach). Others say that the mere fact that menstruation breaks the fast contradicts such analogy.

As we have explained about the fundamentals, there is nothing in the *Shari`ah* that contradicts sound analogy.

If it is said: "You have said that the one who intentionally breaks his fast, his doing so is one of the major sins, and the one who intentionally delays the day prayer until the night without any excuse, his deed is considered one of the major sins, and that it would not after that be acceptable from him according to the most apparent of the two sayings of the scholars.

But the one who missed the Friday prayer or throwing the pebbles (During *Hajj*) or other cases of acts of worship whose time is limited. For such things he has been ordered to make up.

It is also narrated in the *Hadith* about the one who has sexual intercourse in the day of Ramadhan that the Messenger of Allah commanded him to make it up?"

Then the response to this is that he commanded him (the one overpowered by vomit) to make it up since man only vomits uncontrollably, like the patient who gets better by vomiting, or the one intentionally vomiting after eat some doubtful food, as was done by Abu Bakr when he knew that the food he had eaten was earned by a soothsayer.

So if one who vomits has an excuse for doing so, then what he has done is permissible, and thus, he entered the category of the sick who are entitled to making it up. He is not one of those who broke their fast without excuse.

As for his command to the one that had sexual intercourse (in the day of the month of Ramadhan) of making it up, it is a weak *Hadith*. More than one of the major scholars of *Hadith* classify it as weak.

This Hadith is confirmed by many routes in the Two Sahihs via the narration of Abu Hurayrah and 'A'ishah, and none of them mentioned the command to make it up. Had the Messenger of Allah (*salAllahu 'alayhi wa sallam*) commanded him to make it up, they would not have neglected to mention it; since it is a legislative ruling that must be clarified. Since the Messenger of Allah (*salAllahu 'alayhi wa sallam*) did not command him to make it up, it follows that making it up would not have been acceptable from him. This is a proof that he intentionally broke his fast, hence he was neither forgetful nor ignorant.

As for the one who has sexual intercourse during the days of Ramadhan out of forgetfulness, there are three views from the *Madhhab* of Ahmad and others, and there are three narrations mentioned about it.

1. Neither making it up nor atonement are required. This is the view of Ash-Shafi`i, Abu Hanifah, and most of the others.
2. He must make it up, without atonement. This is the view of Malik.
3. He must do both. This is the popular position of Ahmad.

The first is more obvious as has been properly explained in its appropriate place.

It is confirmed by evidence in the Book and the Sunnah that whoever does a prohibited deed mistakenly, or out of forgetfulness, then Allah will not punish him for that, so his status is like the status of one who did not at all, there is no sin upon him, and the one who does not commit a sin is neither considered disobedient nor having a committed a prohibited act. In his case he did what he was commanded and did not do what he was

prohibited. Such a case does not invalidate his worship, his worship is only invalidated when he does not do what he was commanded or he does what he has been prohibited from him.

Contrarily; *Hajj* is not invalidated by doing any of the forbidden things mistakenly or out of forgetfulness, not sexual intercourse or other than that, and this is the more apparent of the views of Ash-Shafi`i.

As for the atonement and the ransom, they become obligatory because they replace the value of the thing destroyed. Likewise, if a boy, an insane person, or sleeping person were to destroy it, he becomes responsible for replacing it.

The ransom in case of killing game mistakenly or out of forgetfulness has the status of ransom for accidental murder. The atonement for accidental murder is obligatory based upon texts of the Qur'an and the consensus of the Muslims.

As for the other violations during Hajj, such as clipping one's nails, shortening one's moustache, using perfume and wearing normal clothing, they cannot be classified under this topic. Even if one pays ransom for such actions, this does not make it similar to the ransom of killing game; since the latter is a means of replacing the value of the thing that was destroyed. Thus, the one doing a prohibited deed mistakenly or out of forgetfulness pays ransom alone, only in the case of killing game.

There are different opinions among people here:

1. This is one of them, it is the saying of the Dhahiriyah.
2. The second view includes both things during forgetfulness, as said by Abu Hanifah, and Ahmad, and Al-Qadhi and his companions also chose it.
3. The third view makes a distinction between what causes damage, such as killing game, shaving hair, and clipping nails; and what does not cause damage, such as perfume and dress. This is the view of Ash-Shafi`i and Ahmad in the second narration from him, and a group of his companions chose it as well. This view is better than the other, but removing hair and clipping nails should be classified along with the dress and perfume, not under killing game. In this case this view would even be better.
4. The fourth view is that mistakenly killing game should not be included. This is according to a narration from Ahmad. This applies even more so to removing hair and clipping nails.

Contrarily, if the fasting person eats, drinks, or has sexual intercourse out of forgetfulness or mistakenly, he does not have to make it up. This is the view of a group of predecessors and a group of those after them.

Some of them said that in the case of forgetfulness or being mistaken the fast is broken. This was the view of Malik. Abu Hanifah said: "This is his analogy. But he is contradicted by the *Hadith* of Abu Hurayrah about forgetting"[1]

Some others say that the one eating mistakenly has broken his fast while the one who has forgotten has not. This is the view of Abu Hanifah, Ash Shafi`i and Ahmad. Abu Hanifah gave preference to the position of the one who forgot. As for the followers of Ash-Shafi`i and Ahmad they say: "Forgetfulness does not break the fast because it is uncontrollable. On the contrary, in the case of the mistaken, it was possible for him not to break his fast until he was certain that the sun had set, and that he refrain from eating when he is not sure about the beginning of *Fajr*."

This distinction is deficient, and the opposite is actually the case. According to the Sunnah, the fasting person is commanded to hasten to break his fast and to delay pre-dawn meal (*As-Suhur*). In case of overcast, a long time must pass before one is sure whether it is time to break the fast or not. This may cause him to miss the (reward of) hastening to break his fast and of performing the *Maghrib* prayer which he is required to expedite. If he is not sure of sunset, he would have to postpone the *Maghrib* prayer until he is sure of its time. In this case he may postpone it until the dusk goes away and still be unsure.

It is reported from Ibrahim An-Nakha`i and others among the predecessors – and it is the view of Abi Hanifah – that in the case of cloudy weather, they considered it recommended to delay the *Maghrib* and the *Thuhr* prayers, and advancing the *'Isha'* and the *'Asr'* prayers. There are also texts in that regard from Ahmad and others.

Some of the followers of Abu Hanifah thought that this was done in an attempt to pray when the two times meet. This is not the case, because immediately after this "precautionary time of meeting" is the time of *'Asr* and *'Isha'*. But this was done because these two sets of prayers may be combined in the case of some excuse, and cloudy weather is a case of an excuse. So the first of the two prayers is delayed and the second of them is advanced, for the sake of two benefits:

1. The first is to ease the matter for people to perform them one time for fear of rain, so it is like the case of combining for rain.
2. The second is to be sure of time of *Maghrib*. The same with combining *Thuhr* and *`Asr* according to the most apparent of the two views, and this is one of the two reports from Ahmad. This means combining them due to thick mud, strong wind and the like as the scholars state. This is the view of *Malik*, and the most apparent of the two sayings in the *Madhhab* of Ahmad.

In addition, the potential wrong committed by advancing *'Asr* and *'Isha'* is preferred to that of advancing *Thuhr* and *Maghrib*; since performing a prayer before its time is not permissible under any circumstances. While it is permissible to perform them during the time of *Thuhr* and *Maghrib*; since this is their due time in the case of an excuse. The state of uncertainty is a case of an excuse. Thus, to combine two prayers in the case of uncertainty is more reasonable than praying them individually during a time of doubt.

This is related to what is said by those who say it was done in order to catch the time the two prayers meet. But such a time only occurs in the case of prayers that share a time. Do not see that they did not recommend delaying *Fajr*, '*Isha*' or '*Asr*? If the reason for all of this was actually for fear of performing the prayer before its time, then this would have also applied to *Fajr*, `*Asr* and '*Isha*'.

It is narrated that the Prophet (*salAllahu 'alayhi wa sallam*) urged us to hasten peforming the `*Asr* prayer:

((Expedite the prayer on the cloudy day. Indeed, whoever leaves the *'As*r prayer, his deed will be in vain.)) (Al-Bukhari and Ibn Majah.)

If it is said: "If it is desirable to delay *Maghrib* during cloudy weather, then breaking the fast would also be delayed." Then we say that it is only desirable to delay along with advancing *'Isha'*, such that they are prayed before dusk disappears. But if one delays it until he fears the disappearance of dusk, then this is not recommended, nor is it recommended to delay breaking the fast until that time.

Thus, the legislated combining for rainy weather is the combining in advance, at the time of *Maghrib*. It is not recommended to delay *Maghrib* until the disappearance of dusk. This would cause a great hardship on people, while combining has been legislated to ease matter for the Muslims.

Both the delay and the advancement that are recommended do not mean the performance of the two prayers without any time in between. *Thuhr* is delayed and *'Asr* advanced, but there may be a short period of time between them. The same with *Maghrib* and *'Isha'*, the pray one, and wait for the other, but only a time in which none would need to go to their home and then return. This type of combining is allowed. It is not conditional based upon instantaneous succession, according to the most correct view as a we mentioned in different place.

It is confirmed in Sahih Al-Bukhari from Asma' bint Abi Bakr, may Allah be pleased with her, who said: "One day, during the lifetime of the Prophet (*salAllahu 'alayhi wa sallam*) we broke our fast in Ramadhan on a cloudy day, then, the sun appeared again."

Two rulings are inferred from this narration:

1. It is not recommended to delay breaking the fast during cloudy weather until one is sure of sunset. They did not do this, nor did the Prophet (*salAllahu 'alayhi wa sallam*) order them to. It is well known that the Messenger of Allah (*salAllahu 'alayhi wa sallam*) along with his companions, may Allah be pleased with them, are well aware of the rulings, and they are the more compliant to Allah, the Almighty, and to His Messenger (*salAllahu 'alayhi wa sallam*) than those who followed them.
2. Making up the fast is not obligatory. Since, had the Prophet (*salAllahu 'alayhi wa sallam*) commanded them to make it up, it would have been popular among them

> and it would have been conveyed to us, just as their breaking their fast was conveyed to us. Since it was not conveyed, it is inferred that He (*salAllahu ‘alayhi wa sallam*) did not command it.

If it is said: “Hisham bin ‘Urwah was asked, ‘Were they commanded to make it up.’ And he said: ‘Isn’t making it up essential?’” Then the response is that this is mere view of Hisham, then they reported it with the *Hadith* he narrated. Proving that he had no knowledge about that is what Ma`mar narrated: “I heard Hisham saying: ‘I do not know whether they made it up or not.” Al-Bukhari reported this. Hisham narrated this *Hadith* from his wife, Fatimah bint Al-Mundhir from Asma’ (may Allah be pleased with her).

Hisham also narrated from his father ‘Urwah that they were not commanded to make it up, and ‘Urwah is more knowledgeable than his son. This is the view of Ishaq bin Rahwiyah. Ahmad said: “By analogy, it does not break his fast. We only left this view because of the *Hadith* of ‘Umar.

Ishaq bin Rahwiyah is a colleague of Ahmad bin Hanbal, and he is in agreement with his *Madhhab*, in its fundamentals and its branches. And many of their sayings are in accord. Al-Kawsakh asked his questions from Ahmad and Ishaq as did others. Similarly At-Tirmidhi combined the sayings of Ahmad and Ishaq, for he reported both of their sayings from the issues of Al-Kawsakh.

Abu Za`rah, Abu Hatim, Ibn Qutaybah, and other *Imams* of knowledge and Sunnah and *Hadith* used to learn the *Madhhab* of Ahmad and Ishaq and give preference to their views over the views of the others. Other Imams of *Hadith* such as Al-Bukhari, Muslim, At-Tirmidhi, An Nasa’i and others who followed them are all among those who took knowledge and *Fiqh* from them, as well as Dawud who took from the companions of Ishaq.

Whenever Ahmad bin Hanbal was asked about Ishaq, he used to say: “Am I asked about Ishaq? Nay, Ishaq should be asked about me.”

Ash-Shafi`i, Ahmad bin Hanbal, Ishaq, Abu ‘Ubayd, Abu Thawr, Muhammad bin Nasr Al-Marwazi, Dawud bin ‘Ali and their like are all *Fuqaha*’ of *Hadith*, may Allaah be pleased with them all.

Additionally Allah the Almighty said in His Book:

{وَكُلُواْ وَاشْرَبُواْ حَتَّى يَتَبَيَّنَ لَكُمُ الْخَيْطُ الأَبْيَضُ مِنَ الْخَيْطِ الأَسْوَدِ مِنَ الْفَجْرِ
1 (2:187)

The verse along with the authentic *Hadiths* of the Prophet (*salAllahu ‘alayhi wa sallam*) clearly state the command to eat until *Fajr* appears plainly. Thus, even in the state of doubt concerning *Fajr*, one is commanded to eat, as has been clarified.

*   *   *

[1] The wording of the Hadith as follows: “Whoever forgets while fasting then eats or drinks, let him complete his fast; since Allah has fed him and caused him to drink.” (Agreed upon)

The Nature of Things that Do Not Break the Fast

As for kohl, injections, drops dropped into urethra, and the stomach and brain treatments, the scholars differ over them. Some of them are of the opinion that none of them break the fast. Some ruled out kohl, some others ruled out eye drops, and a group ruled out kohl and eye drops and considered all else as breaking the fast. The most apparent view is that none of these break the fast.

The fast is one pillar of the religion of Islam about which all people, the specialized as well as the average must be aware. Had these things been prohibited by Allah and His Messenger for the fasting person, or had they invalidated one's fast, it would have been necessary for the Messenger of Allah (*salAllahu 'alayhi wa sallam*) to clearly explain that. If the Messenger of Allah (*salAllahu 'alayhi wa sallam*) had clarified it, the companions, may Allaah be pleased with them, would have reported it to the nation as they have with the rest of the legislative matters.

Since none of the knowledgeable scholars reported a *Hadith* – neither *Sahih*, weak, connected, or *Mursal* – from the Prophet (*salAllahu 'alayhi wa sallam*) then it is known that he mentioned nothing in this concern.

The reported *Hadith* related to the kohl is weak. It is recorded by Abu Dawud in his *Sunan*. No one else recorded it. It is not included in the *Musnad* of Ahmad nor in other reliable compilations of *Hadith*.

The wording of the *Hadith* is as follows: "Abu Dawud said: An Nufayli narrated to us: 'Ali bin Thabit narrated to us; 'Abdur-Rahman bin An-Nu`man bin Ma`bid bin Hawdhah narrated to us on the authority of his father, on the authority of his grandfather from the Prophet (*salAllahu 'alayhi wa sallam*) "That he commanded using kohl when going to sleep, and said:

((Let the fasting person stay a way from it.)) (Abu Dawud)

Abu Dawud said: "Yahya bin Ma`in said to me: 'This *Hadith* is *Munka*r.'" Meaning the *Hadith* related to the kohl.

Al-Mundhiri said: "Abdur-Rahman is weak." And Abu Hatim Ar-Razi said: "He ('Abdur-Rahman) is truthful, but who knows his father and his trustworthiness and memorization abilities?"

The same with Ma`bid; he was contradicted by another weak *Hadith* compiled by At-Tirmidhi with his chain, to Anas bin Malik. `Abdul-A`la bin Wasil narrated to us, Al-Hassan bin Atiyyah narrated to us, Abu `Atikah narrated to us from Anas bin Malik who said: "A man came to the Prophet (*salAllahu 'alayhi wa sallam*) and said: 'My eye is sore. Am I permitted to apply kohl while fasting?' The Prophet said: "Yes."

At-Tirmidhi comments on this *Hadith* saying: "its chain of narrators is not strong. Nothing is correct from the Prophet on this topic, and Abu `Atikah is weak." (At-Tirmidhi)

These are the words of At-Tirmidhi, Al-Bukhari said about Ma`bid: "His narrations are *Munkar*." An-Nasa'I said: "He is not trustworthy." And Ar Razi said; "His narrations are skipped."

Those who said that these things like injections, and stomach and brain treatment break the fast have no proof from the Prophet (*salAllahu 'alayhi wa sallam*) they deduced their view from analogy. Their strongest proof is the saying of the Messenger of Allaah (*salAllahu 'alayhi wa sallam*):

((And exaggerate in inhaling and exhaling of water [into your nose] except if you are fasting.)) (Abu Dawud And At-Tirmidhi)

They argue that this proves that whatever one causes to reach the brain breaks the fast. The same analogy would include whatever one causes to reach the stomach through injections etc., whether it reaches the stomach through normal passageway or whatever way it enters the stomach.

Those who ruled out eye drops say the eye drops do not reach directly to the stomach but they seep; but what goes through the urethra/rectum is like what reaches the stomach through the mouth and the nose.

Those who ruled out kohl say that the eye is not a normal passageway like the two ducts (the sex organ and the anus); but kohl is absorbed in the body like water and oil.

Those who said that kohl breaks one's fast that it reaches inside the throat till the fasting person expectorates it because there is a passageway from the eye to the throat.

As has been explained, all of them rely upon analogy. The fast is not invalidated this way for the following reasons.

1. Analogy is an argument if its conditions are correct, we have previously mentioned the principle that all of judgements of the *Shar`iah* are clarified by texts, correct analogy will only prove what is also proven by texts.

So when we know that the Messenger of Allaah (*salAllahu 'alayhi wa sallam*) neither imposed nor prohibited anything, then we know that it is neither unlawful nor obligatory and that the analogy that states that it is obligatory or prohibited is a false analogy.

We are well aware that there is neither in the Book nor in the Sunnah what shows that such things break the fast. Thus, we know that they do not break the fast.

2. The rulings which the *Ummah* needs to be aware of must be made publicly clear by the Messenger (*salAllahu 'alayhi wa sallam*) and transmitted throughout the *Ummah*. If this has taken place, then it is known that such rulings are not from the religion of Allah.

For example, we know that fasting any other month besides the month of Ramadhan has not been made obligatory, and there is no pilgrimage to a house other than the House of Allah, and there is no daily obligatory prayer other than the five prayers.

It is known also that the Messenger of Allah did not impose making *Ghusl* for merely fondling one's wife if there is not ejaculation of semen. He did not impose ablution for being scared nearly to death, although there might be some excretions that occur. He also did not order two *Rak`ahs* to be performed after the *Sa`i* between As-Safa and Al-Marwah as he ordered after *Tawaf* around the House.

In this way, we came to know that semen is not filthy; since it was not reported through any reliable chain of narrators that the Messenger of Allah (*salAllahu 'alayhi wa sallam*) commanded the Muslims to wash it off, neither from their bodies nor from their clothing, although most of the people would experience it. The Messenger of Allah (*salAllahu 'alayhi wa sallam*) commanded menstruating woman to wash menstruation blood from her underwear, although there is no dire need for this. He did not command the male Muslims to wash semen, nether from their bodies nor from their clothes.

The *Hadith* narrated by some *Fiqh* scholars, which says: "The dress should be washed from urine, stool, semen, prosthetic fluid, and blood." Is not the Prophet's (*salAllahu 'alayhi wa sallam*) saying. None of the reliable compilations of the *Hadith* contain it. None of the specialists in the science of *Hadith* collected it with a reliable chain of narrators. It is narrated from 'Amar. It seems that it is his own saying.

As for the washing and scratching the semen from the clothes of the Messenger of Allah (*salAllahu 'alayhi wa sallam*) by 'Aishah (may Allah be pleased with her), it is not an evidence that doing so is an obligation. Since the clothing is also washed to remove dirt, mucus, and spittle.

The commandment of the Messenger of Allah (*salAllahu 'alayhi wa sallam*) for anything is the only factor to consider any affair obligatory; especially when we know that the Messenger did not command the Muslims to wash it off of their clothing. Besides, it was not reported that he ordered 'Aishah to wash it. He only silently approved of her doing so. This implies its permissibility, or that it is an agreeable endorsement or a recommendation. As far as an obligation is concerned, there must be a proof.

In this way we came to know that he (*salAllahu 'alayhi wa sallam*) did not impose the ablution because of touching women nor from filthy matters that come out of the organs other than via the two ducts. It has not been narrated with a good chain of narrators that he commanded such action; although the people used to vomit, and were being cupped, and were wounded in the battlefield. The vein of some of his companions was cut, and

bled, yet none reported that he (*salAllahu 'alayhi wa sallam*) commanded them to perform ablution because of it.

In addition, the people used to touch their wives lustfully and without lust, yet none of the Muslims reported that he (*salAllahu 'alayhi wa sallam*) commanded them to perform ablution because of this. Besides, the Qur'an does not refer to this; since what is intended by the touching is sexual intercourse as has been explained in its proper place.

His commandment to perform ablution for touching the sexual organ is merely a recommendation, regardless whether it excites the man or not. It is also recommended for one who gets excited when he touches a women to perform ablution. This ruling applies to the one who contemplates sexual desire, then his sexual organ becomes erect.

Performance of ablution when one is excited carries the ruling of the performance of the ablution when one gets angry. This is recommended because of the narration in the *Sunan* that the Prophet (*salAllahu 'alayhi wa sallam*) said:

((Anger is from Satan. Satan is created from the fire. And the fire is distinguished by water. Thus, if one of you gets angry, let him perform ablution.)) (Ahmad and Abu Dawud)

Uncontrollable sexual desire is from Satan. So the Prophet's (*salAllahu 'alayhi wa sallam*) order to perform ablution for what has been touched by fire is because what was touched by fire mixes with the body, and thus the order for ablution is one of the recommendations. There is nothing in the texts proving that this is abrogated, rather they prove that it is not obligatory. Saying that it is recommended is more just than the other views; the view that it is obligatory, and the view that it is abrogated. This is one of the two views in the *Madhhab* of Ahmad and others.

In this way we come to know that both the urine and the dung of the animal whose flesh is eaten is not filthy, for these people were shepherds of camels and sheep. They used to sit and pray in their animal pens which would be full of their dung. Had these places been considered as *Al-Hushuwsh* (the places where one answers the call of nature), the Messenger of Allah (*salAllahu 'alayhi wa sallam*) would have commanded them to avoid them and not to stain their bodies and clothes in them nor pray in them.

It is confirmed that the Messenger of Allah (*salAllahu 'alayhi wa sallam*) and his companions performed prayer in sheep pens, and he commanded praying in sheep pens but he (*salAllahu 'alayhi wa sallam*) prohibited praying in camels pens. Thus, it is known that this was not due to the filth of the dung, but to the reason for which he commanded performing ablution after eating camel meat. When he was asked about ablution after eating the meat of sheep, he (*salAllahu 'alayhi wa sallam*) said"

((If you wish, perform ablution. And if you wish, do not perform it.)) (Muslim)

He (*salAllahu 'alayhi wa sallam*) further said:

((Camels were created from the Jinn. There is a devil on the hump of each camel.)) (Abu Dawud, Ibn Majah, the second half from Ahmad)

He (*salAllahu 'alayhi wa sallam*) also said:

((Boasting and haughtiness are among the Faddadin[1] camel owners, tranquility is with the sheep herders.)) (Al-Bukhari and Muslim)

Since camels have devilish characteristics that Allah the Almighty and his Messenger (*salAllahu 'alayhi wa sallam)* dislike, people were commanded to perform ablution after eating their meat, and prayer in their pens was prohibited just as he prohibited its performance in bathrooms because they are the dwelling places of the devils.

Prayer should be avoided in the dwelling place of evil souls, and evil bodies, nay evil souls are beloved by the evil bodies.

Since devils attend *Al-Hushuwsh*, prayer in them is more worthy to be avoided than in the bath house, and camels pens, and more worthy than polluted land.

There is no specific text concerning *Al-Hushuwsh* because it was well known to the Muslims, thus, they did not need a specific clarification.

For this reason, none of the Muslims used to sit in *Al-Hushuwsh* or pray in them. They would go out in the open to answer the call of nature before they had water closets in their houses.

When they heard his prohibition of praying in the bath houses or camel pens, they knew with all the more reason that prayer in *Al-Hushuwsh* was strictly prohibited. Although there is a *Hadith* narrated which prohibits the performance of the prayer in the grave yard, the slaughter house, the dump, *Al-Hushuwsh*, the middle of the road, the camel pens, and the surface of the Ka`bah. (At-Tirmidhi and Ibn Majah)

But the scholars of *Hadith* are in disagreement about it. The companions of Ahmad have two opinions: Some of them see this to hold the position of a prohibition, while others say that the *Hadith* is not confirmed.

I did not find either a prohibition or a commandment in Ahmad's sayings, although he disliked the performances of prayer in places of punishment. This was reported by his son 'Abdullah in a *Hadith* recorded in the *Musnad* from 'Ali, it was also recorded by Abu Dawud. It mentions *Al-Hushuwsh*, camel pens and the bath houses. These three were also mentioned by Al-Kharqi and others.

The ruling concerning this depends on one's view. He may clarify it by analogy to the other mentioned texts, or he may affirm the *Hadiths*. Whoever disagrees would have to negate the *Hadith* and explain the distinction. Besides, the prohibition can be a prohibition of dislike or a prohibition of unlawfulness.

Since these are rulings concerning average everyday practices, and they must be clarified publicly by the Prophet (*salAllahu 'alayhi wa sallam*), and they must be conveyed by the *Ummah*, and it is well known that kohl and other common things – such as oil, taking a bath, scent and perfume are used by most people – then were it that such things break the fast, the Prophet (*salAllahu 'alayhi wa sallam*) would have explained it. Since he did not explain this, we come to know that it can be classified under scent, musk and oil. Scent may pass to the brain through the nose. Tissues absorb the oil which strengthens man. He gains strength from the scent. Since the fasting person was not prohibited from such things, then this proves that fragrance, oil, and kohl are permissible.

During the life time of the Prophet the Muslims used to suffer wounds whether in the *Jihad* or otherwise; they also suffered wounds in the stomach and the head and used to be treated with the prescribed medical substances. Had this been breaking the fast, he (*salAllahu 'alayhi wa sallam*) would have clarified this. Since he (*salAllahu 'alayhi wa sallam*) did not prohibit the fasting person from doing this, we know that it does not break the fast.

3. Affirming that something breaks the fast by analogy must be done by an analogy that is correct. This will either be by comparing two things that are in the same category, or by eliminating any distinguishing factors between them. So either the evidence supports the reason for the basic case, then it is applied to its branches, or it is known that there is no difference between them in their characteristics from the view of the *Shari`ah.*

As for the case in question, the analogy is negated. This is because there is nothing among the evidences stating that what Allah and His Messenger (*salAllahu 'alayhi wa sallam*) appointed as breaking the fast is that which goes to the brain or the body, or what reaches through a passageway (other than the normal one), or reaches the stomach (through passageways other than the mouth) etc. This seems to be what the people of this view want to impose as criteria on Allah and His Messenger (*salAllahu 'alayhi wa sallam*).

They are saying: "Allah and His Messenger (*salAllahu 'alayhi wa sallam*) made eating and drinking among the things that break the fast because they have the joint meaning of substances used to treat stomach and head ailments that reach the brain and the stomach. Or other things that reach the stomach like kohl, something injected, or what passes through the urethra (rectum) etc."

Since there is no proof from Allah and His Messenger from which to derive this description, then the saying, "Allah and His Messenger (*salAllahu 'alayhi wa sallam*) only ranked these as things that break the fast for this reason" is a saying without knowledge.

And the statement, "Allah made it unlawful for the fasting person to do this" then this is a claim of "this is lawful and this is unlawful" without knowledge, claiming that Allah has said something without knowledge. This is not permissible.

Any of the scholars who thinks that the joint meaning determines the judgement, then he is in the same category as one who believes that his *Madhhab* is correct when it actually is not. Or he is like the one who tries to prove something that was not even mentioned by the Messenger (*salAllahu 'alayhi wa sallam*). This is their own *Ijtihad* (judgement) for which they will rewarded; but it is not required the Muslim to consider their saying a *Shari`ah* evidence that is necessary to be followed.

4. Analogy can only be correct if the *Shari`ah* does not mention the reason for the ruling after we study its basic qualities, and it will not apply except in the case of the same qualities. Since we have affirmed that the basic reason corresponds to or is akin to, or resembles contrary to what these people say, then it must be investigated. And if we find that there are two basic descriptions, then it is not possible that we say this judgement applies to one of them but not the other.

It is well known that both the texts and the consensus affirm that eating, drinking, sexual intercourse, and menstruation break the fast. We also have known that the Prophet (*salAllahu 'alayhi wa sallam*) has forbidden the one performing the ablution to be excessive in rinsing his nose if he is fasting. The rinsing of the nose as an analogy is their strongest argument as previously explained. But it is still a weak analogy. This is because when one inhales water into the nostrils, water descends to the throat then to his stomach. So the result is the same as the result when drinking with the mouth. His body is nourished by this water, his thirst is removed, the food in his stomach is digested, all just the same as in the case of drinking water.

If the texts have not mentioned a prohibition of this, then reason leads one to know that this falls under the same category as drinking, there is no distinction between the two cases except for the means by which the water enters the mouth, and that is not relevant because the mere entrance of water in the mouth does not break the fast. So it does not break the fast nor does it fall under the category of something that does due to the absence of the results in question. Rather, it is a means that leads to breaking the fast. But this is not the case with kohl, and injections, and stomach and brain medicines, for kohl does not provide nourishment, nor does anyone put kohl in their stomach, nor via the nose nor mouth. Similarly, injections do not provide any nourishment in anyway, it only goes through the branches of the body. Just like inhaling some type of laxative or being frightened until one expels what is in his stomach.

So the injection does not reach the stomach, and the medicine that reaches the stomach in the case of treatments from stomach surgery or for the brain are not like what reaches the stomach for nourishment.

Allah, the Almighty, said

كُتِبَ عَلَيْكُمُ الصِّيَامُ كَمَا كُتِبَ عَلَى الَّذِينَ مِن قَبْلِكُمْ
{Fasting is prescribed for you as it was prescribed for those before you.}

The Messenger of Allah (*salAllahu 'alayhi wa sallam*) said:

((Fasting is a shield.)) (Al-Bukhari)

He (*salAllahu 'alayhi wa sallam*) also said:

((Indeed, Satan rushes through the blood of the son of Adam so constrict him by hunger and fast.)) (Al-Bukhari and Muslim, the second part is without a source)

The fasting person has been prohibited from eating and drinking because they are the cause of strength. Thus, eating and drinking produce much blood, the medium in which Satan rushes. Such blood is the blood produced from food. It is not produced from the injection, nor from kohl. It is not produced from the medications taken by the one treated for stomach or head wounds, but it is produced from the water inhaled through the nose, hence the prohibition of exaggerating when rinsing the nose keeps one's fast intact.

When such meanings are found among the fundamentals to be confirmed by the texts and by consensus, then their claim that the *Shari`ah* applies the judgement to what they have described is contradicted by these descriptions, and when there is a contradiction on a fundamental matter it invalidates every type in its category.

If such meanings are contained in the firm fundamental by the text and consensus, thus, their allegation that the Legislator (Allah) bases His Rulings concerning what breaks the fast in accordance of theirs, turns out to contradict what is mentioned. A contradiction in the fundamental voids all kinds of analogy as long as it is not clarified that the description they claim is for another reason beside that.

5. It is well known that the text and the consensus establish the prohibition of the fasting person from eating, drinking, and sexual intercourse. It is authentically reported that the Prophet (*salAllahu 'alayhi wa sallam*) said:

((Indeed, Satan rushes through the son of Adam's blood.)) (Al-Bukhari and Muslim)

Undoubtedly, blood is produced from eating and drinking; so when one eats or drinks, the ducts of Satan (the veins) widen. So it is said, 'so constrict the ducts by hunger.' Some say this is a narration (from the Prophet (*salAllahu 'alayhi wa sallam*)).

Similarly the Prophet (*salAllahu 'alayhi wa sallam*) said;

((When Ramadhan begins the gates of Paradise are opened, the gates of the Fire are closed, and the devils are chained.)) (Al-Bukhari and Muslim)

If these ducts were constrained and the hearts rushed to do the good deeds by which the gates of Paradise are opened, and abstained from evil deeds then the devils are chained, so their effects lessens due to being chained. They will be unable to do what they used to do in the months other than Ramadhan. The Messenger of Allah (*salAllahu 'alayhi wa sallam*) did not say that they would be killed or die. He said: "Chained". The chained devil may cuase some harm, but his harm in the month of Ramadhan is less and weaker than in other months. This depends on the perfection of the fast. Thus, he whose fast is perfect repels the devil better than the one whose fast is imperfect. This is the wisdom behind prohibiting the fasting person from eating and drinking. The ruling is stabled only on what is in agreement to it.

The *Shari`ah* proves (that the fast is broken in) cases with these qualities and effects, and these things are negated in the case of injections and kohl and their like.

If it is said: "Kohl descends into the body and changes into blood."

Then the reply is that this is like what was said about humidity that ascends from the nose to the brain then changes into blood, and the oil absorbed by the body as well. The prohibited is only what reaches the stomach like nourishment, and changes into blood that circulates the body.

6. We have made this a sixth category, so we have compared the kohl, injections, and the like with the incense, and oil etc., by finding the common characteristic between them i.e. they do not nourish and produce blood from the stomach. This characteristic is that which necessitates that such a thing does not break the fast. And this may be found in the cases of dispute.

The branch may be based upon two fundamentals, each of them joined to what has the qualities that resemble it according to what is relevant to the *Shari`ah*, and we have already mentioned what is relevant here to the *Shari`ah*.

If it is said: "What would be the cause if one were to eat dust, pebbles or the like which are not nourishing and provide no benefit?" Then the reply is that these are processed by the stomach and changed into blood which supports the body, but they are incomplete forms of nourishment. This is like the case of the one who has taken poison or something else that causes him harm. And like the one who ate too much food and suffered indigestion. Prohibition of such things in the fast is more obvious; since it is prohibited while not fasting. This is like the prohibition of a husband from having sexual intercourse with his wife so it is more obvious that he is prohibited from adultery.

If it is said: "Then sexual intercourse breaks the fast and menstruation blood breaks the fast; although there is no relation between them."

Then the reply is that these rulings are established by the text and the consensus, so there is no need to use analogies to prove them. The reasons may vary, thus, the prohibition of eating and drinking is for one reason and the prohibition of sexual intercourse while fasting and the fact that it breaks the fast is for another reason. The fast is broken by menstruation for a certain reason, yet we do not say that menstruation is forbidden. This is because things that break by text and consensus are divided into matters of choice that are not lawful for the servant, like eating and sexual intercourse, and things that there is no choice for like menstruation. So in this way there are different reasons.

We say in the case of sexual intercourse, in essence it is the cause of ejaculation of semen which carries the same ruling as that of intentionally vomiting. Menstruation, and cupping, we will explain later, Allah willing. Sexual intercourse is a process of emission. It is not a process of replenishing like eating and drinking. But from the view that it is one of the two lusts, it carries the same ruling as eating and drinking.

In the authentic Hadith, the Prophet (*salAllahu 'alayhi wa sallam*) said that Allah the Almighty said,

((Fasting is for Me, and I reward for it. One leaves his desire and food for My sake.)) (Al-Bukhari and Muslim)

The human leaving what he desires for the sake of Allah is the objective that the worship will be rewarded for. In the same way that the one in a state of *Ihram* is rewarded for leaving usual dress, perfume and the like of physical luxuries.

Sexual intercourse is one of the most loved lusts of the body. It pleases the soul and brings it delight. It moves the lust, the blood, and the body as a whole more than eating.

Since Satan flows through man's blood, and nourishment produces the blood which is his medium, then when man eats or drinks, his soul tends to lust, and its will and love for the acts of worship weakens. This is more apparent in the case of sexual intercourse.

Its effect in strengthening the soul's will for desire and weakening it for worship is greater.

In fact sexual intercourse is the dominant desire, it is a greater desire than that of eating and drinking. For such reason one having sexual intercourse during the day of Ramadhan has to pay the ransom equal to that for *Zihar*. Emancipation or its equivalent is obligatory on him according to the Sunnah and the consensus. Because it is more grave, its temptation is stronger, the corruption resulting from it is more severe. This is the greater of the two reasons for the prohibition of sexual intercourse.

As for as it weakening the body, being a form of emission, this is another reason. In this view it becomes like eating and menstruation, but it is graver, so it spoils the fast more than eating and menstruation.

If we think about the wisdom behind menstruation in accordance with the analogy, then we say that the *Shari`ah* delivers justice in all affairs, exaggeration in worship is a form of injustice which it prohibits, for it orders moderation in worship.

For this reason, it commands the expedition of breaking the fast and delaying the pre-dawn meal. This is why it prohibited uninterrupted fasting. The Messenger of Allah (*salAllahu 'alayhi wa sallam*) said:

((The best style of fast is that of Dawud; he used to fast every other day, and he did not flee when facing the enemy.)) (Al-Bukhari and Muslim)

Thus, justice in acts of worship is one of the greatest objectives of the *Shari`ah*. For this reason, Allah the Almighty says:

{يَا أَيُّهَا الَّذِينَ آمَنُواْ لاَ تُحَرِّمُواْ طَيِّبَاتِ مَا أَحَلَّ اللّهُ لَكُمْ وَلاَ تَعْتَدُواْ إِنَّ اللّهَ لاَ يُحِبُّ الْمُعْتَدِينَ}
{O you who believe! Make not unlawful the wholesome things that have been made lawful to you. And transgress not. Indeed, Allah does not like the transgressors.} (5.87)

So prohibited the lawful has been categorized as an antagonist to justice. He also said:

{فَبِظُلْمٍ مِّنَ الَّذِينَ هَادُواْ حَرَّمْنَا عَلَيْهِمْ طَيِّبَاتٍ أُحِلَّتْ لَهُمْ وَبِصَدِّهِمْ عَن سَبِيلِ اللّهِ كَثِيرًا}
{وَأَخْذِهِمُ الرِّبَا وَقَدْ نُهُواْ عَنْهُ}
{For the wrong doing of the Jews, We made unlawful for them certain good foods which had been lawful for them, and for their hindering many from Allah's Way. And their taking Riba, though they were forbidden from taking it.} (4:160,161)

Since they were unjust, their punishment was the prohibition of the good, lawful food. To the contrary, for the just and moderate nation (the Muslims) all the wholesome things were made lawful to them, while all the filthy things were made unlawful for them.

Since this is the case, the fasting person has been prohibited from food and drink which strengthens and nourishes him, he must be prohibited from the emission of what weakens him and empties the substance with which he is nourished. Otherwise it will be harmful for him and at odds with his act of worship, not a just form of it.

Emissions are of two types:

A type one has no control to prevent, or its emission causes him no harm. These are not prohibited for him, like urine and stool, their emission causes him no harm, and he is not able to prevent them, when it is time, they will come out. Their evacuation is not harmful to him but rather beneficial to him.

Vomiting emits the food and drink that the stomach turns into nourishment, the same with masturbation because of the desire associated with it, it is the process of the

emission of semen which is internally turned into blood, so it is an emission of the blood which nourishes him. For this reason, excessive emission of semen may be harmful for humans, even coming out red.

The blood that is discharged during menstruation is a form of blood emission, so the menstruating woman is able to fast another time outside of her menstrual period when her blood does not flow.

Her fasting in such circumstances is just because the blood that strengthens her body is not being discharged. If she were to fast during her period then the blood which gives her strength would be discharged as well, weakening her body, then her fasting would no longer be just, so she has been commanded to fast while she is not menstruating.

The case with *Mustahadhah* is different. Since her bleeding takes a long time, and it is impossible for her to be commanded to make the fast up later; since during another time she may also be bleeding. Thus, her bleeding is uncontrollable exactly as the case of uncontrollable vomiting, blood discharge due to abscesses, a wet dream and the like. These things have the limited time based upon which one may exercise some control. Therefore these are not considered to negate the fast as is the case with menstrual blood.

Contrary to this is the drainage of blood through cupping, venesection and the like. The scholars differ over whether cupping breaks the fast or not. There are many *Hadiths* mentioned from the Prophet (*salAllahu 'alayhi wa sallam*) saying:

((The one cupping and the one cupped have broken [the fast].)) (Abu Dawud, At-Tirmidhi, Al-Bukhari without a complete chain)

The preserving *Hadith* scholar Imams have explained them. Among the companions many did not like the fasting person to be cupped, and some of them would only do it during the night. The people of Basrah would close the cupping shops when the month of Ramadhan began. The view that cupping breaks the fast is that of most of the *Fiqh* scholars of *Hadith* such as Ahmad bin Hanbal, Ishaq bin Rahwiyah, Ibn Khuzaymah, Ibn Al-Mundhir and others.

The *Fiqh* scholars among the people of Hadith are the closest in following the commandments of Muhammad (*salAllahu 'alayhi wa sallam*). Those who do not see that cupping breaks the fast base their opinion on the narration reported in the *Sahih* which says: "The Prophet was cupped while fasting and in *Ihram*."

Ahmad and others criticized the wording "while fasting." They say that the established narration is that he was cupped while in the state of *Ihram*.

Ahmad said: "Yahya bin Sa`id said: Shu`bah said, `Al-Hakam on the authority of Miqsam from Ibn `Abbas that the Prophet (*salAllahu 'alayhi wa sallam*) was cupped while fasting and in the state of *Ihram*.

Muhanna said: “I asked Ahmad abou the Hadith of Habib bin Ash-Shadid on the authority of Maymun bin Mihran from Ibn `Abbas that the Prophet (*salAllahu ‘alayhi wa sallam*) was cupped while fasting and in the state of *Ihram*. Ahmad said: ‘It is not correct.’” Yahya bin Sa`id Al-Ansari rejected it saying that the *Hadiths* of Maymun bin Mihran from Ibn `Abbas amount to only about fifteen *Hadiths*.

Al-Athram said: “I heard Abu `Abdullah mentioning this *Hadith*, and saying it is weak.” He also said. “The books of Al-Ansari were lost during the turmoil and he used to narrate from the books of his slave. This is one of those.’”

Muhanna also said: “I asked Ahmad abou the *Hadith* of Qubaysah on the authority of Sufyan on the authority of Hammad on the authority of Sa`id bin Jubayr from Ibn `Abbas which says: “The Prophet (*salAllahu ‘alayhi wa sallam*) was cupped while fasting and in the state of *Ihram*.’ Ahmad said: ‘It is a mistake on the part of Qubaysah.’ I asked Yahya about Qubaysah. He said: ‘He is a trustworthy, but he is mistaken in what he narrates from Sufyan from Sa`id.’”

Muhanna said: “I asked Ahmad about the *Hadith* of Ibn `Abbas which says: ‘The Prophet (*salAllahu ‘alayhi wa sallam*) was cupped while in the state of Ihram and fasting.’ Ahmad said: ‘It does not include “fasting.” It includes only “in the state of Ihram,” similar was mentioned by Sufyan from `Amr bin Dinar from Tawus from Ibn `Abbas.

And from `Abdur-Razzaq from Ma`mar from Ibn Khaytham from Sa`id bin Jubayr from Ibn `Abbas. These followers of Ibn `Abbas did not mention anything about “while he was fasting.”

This is what has been mentioned by Imam Ahmad, and it is what was agreed upon by the Two Shaykhs, Al-Bukhari and Muslim. For this reason they rejected the narration which mentions: “while fasting.” They agreed only on the narration that mentions “while in the state of *Ihram*.” As mentioned by Imam Ahmad. The narration in the Two *Sahihs* says: “The Prophet (*salAllahu ‘alayhi wa sallam*) was cupped while in the state of *Ihram*.”

Some interpreted the Hadith mentioning cupping in ways that are weak; such as they were backbiting, and that it was something else they did that broke their fast.

Their best argument in this regard is the saying of Ash-Shafi`i and others that it was abrogated. This saying was on the eighteenth of Ramadhan, his cupping while fasting and being in *Ihram* was after this; since the *Ihram* was after the month of Ramadhan. But this view is also weak because his cupping while he was in Ihram and fasting has nothing to do with being after the month of Ramadhan when he said:

((The one cupping and the one cupped have broken [the fast].))

The Messenger of Allah (*salAllahu ‘alayhi wa sallam*) adopted the state of *Ihram* in the sixth year, on the year of Al-Hudaybiyah in the month of Dhul-Qa`dah. He also adopted the state of Ihram for `*Umrat Al-Qadha*’ (The `Umrah to be made up) in the year that

succeeded the sixth year in the month of Dhul-Qa`dah. In the eith year he adopted *Ihram* from Al-Ji`ranah in the month of Dhul-Qa`dah, during the year of the Conquest. Then he adopted the state of *Ihram* in the tenth year for the Farwell Pilgrimage.

Thus, the narration that mentions cupping while fasting does not clarify in which one of the four times of *Ihram* he was cupped.

The abrogation argument should be based on two conditions.

1. The cupping took place in his last Hajj or during his `Umrah from Al-Ji`ranah, since his saying:

((The one cupping and the one cupped have broken [the fast].))

Was in the eighth year, the year of Conquest. Based on this, we say that *`Umrah* during which he was cupped was either in the sixth year or the seventh year, either in the year of the make up *`Umrah* or the year of Al-Hudaybiyah.

2. It is known that when he was cupped, he did not break his fast. There is nothing gin the *Hadith* to prove this. This fast was not in the month of Ramadhan because he did not adopt *Ihram* in the month of Ramadhan. He must have been fasting while traveling, but fast while traveling was not obligatory. Rather what is confirmed from him (*salAllahu 'alayhi wa sallam*) in the *Sahih* is that breaking the fast while traveling was the latter of his two practices. He traveled during the year of the Conquest of Makkah while fasting; upon reaching Kadid he broke his fast while he people were watching him. It is not known that he fasted after this that he would fast while traveling. We also do not know of him fasting while in *Ihram* for *Hajj*. All of this supports the view that he was cupped while in *Ihram* before the year of the Conquest of Makkah when he said:

((The one cupping and the one cupped have broken [the fast].))

This was said during the year of the Conquest whitout a doubt, as reported in the most authentic Hadiths.

Ahmad said: Isma`il informed us from Khalid Al-Hadhdha' from Abi Qilabah from Al-Ash`ath from Shaddad bin `Aws that in the year of the Conquest he passed with the Prophet by a man who was being cupped in Baqi` after eighteen days passed during the month of Ramadhan. At that time the Messenger of Allah (*salAllahu 'alayhi wa sallam*) said:

((The one cupping and the one cupped have broken [the fast].))

Imam Ahmad also said: Isma`il narrated to us saying that Hisham Ad-Distawa'I on the authority of Yahya bin Abi Kathir from Abi Qilabah from Abi Asma' from Thawban who

said: “The Messenger of Allah (*salAllahu ‘alayhi wa sallam*) came to a man while he was being cupped during the month of Ramadhan and said:

((The one cupping and the one cupped have broken [the fast].))

He also said: Abu Al-Jawab narrated to us from `Amar bin Zuriq from ‘Ata’ bin As-Sa’ib who said: Al-Hasan narrated to me from Ma`qil bin Sinnan Al-Ashja`I who said: “The Prophet (*salAllahu ‘alayhi wa sallam*) passed by me while I was being cupped on the eighteenth day of the month of Ramadhan and said:

((The one cupping and the one cupped have broken [the fast].))

At-Tirmidhi mentioned it from `Ali bin Al-Madani who said: “The most relibable *Hadith* on this topic is the *Hadith* of Thawban, and the *Hadith* of Shaddad bin `Aws.”

At-Tirmidhi said: “I asked Al-Bukhari who said: ‘On this topic, there is not a *Hadith* more authentic than the *Hadith* of Shaddad bin `Aws and the *Hadith* of Thawban.’ I said: ‘What about the contradictions?’ He said: “Both of them are *Sahih* in my opinion; since Yahya bin Sa`id narrated it from Abi Qilabah from Abi Asma’ from Thawban, and he also narrated from Abu Al-Ash`asth from Shaddad as two *Hadiths* together.’”

What Al-Bukhari said is among the clearest proofs to the soundness of the two *Hadiths* Abi Qilabah reported. As for him saying that there is some confusion in the narration it is because it was narrated with two different chains of narrators.

So it is clear that – the Imam – Yahya bin Sa`id narrated this from Abi Qilabah with this chain of narrated and with the other. Such practice only means that the *Hadith* has multiple routes.

Az-Zuhri narrated this *Hadith* from Sa`id from Abu Hurayrah one time, and sometimes from someone else from Abu Hurayrah. Thus, this is the abrogating *Hadith* even though the time is not known.

When two pieces of information contradict each other, one changing from the basic case, and the other remaining according to it, then the changing one is the abrogating, so that the ruling should not be changed twice. If we suppose that his cupping (the cupping of the Prophet) was before he prohibited the fasting person from cupping, then the ruling did not change the matter. And if we suppose it was after the prohibition, it means that the ruling must have changed twice.

Besides, if the fasting was not obligatory, it may be that he broke his fast out for the need to be cupped. They used to break their voluntary fast for things less important than this. He would enter his house, if they said: “We have food,” he would say: “Bring it, for I have been fasting since the morning.”

Ibn `Abbas who did not know what the Messenger of Allah (*salAllahu 'alayhi wa sallam*) intended only saw him, or he was told by someone who saw him that he had been fasting since the morning and he was cupped. This does not necessitate that they knew whether he intended to continue his fast or not. It seems as if those who claim that the *Hadith* is abrogated are limited to argue it from these two ways, one is that it is not a proof, and the other is that it is abrogated.

But what proves and supports that the Hadith in question is the abrogating one is what was reported from Ad-Daraqutni, that Al-Baghawi informed us: 'Uthman bin Abi Shaybah said: Khalid bin Mukhlid informed us from 'Abdullah bin Al-Muthanna from Thabit from Anas bin Malik who said: "We first disliked cupping for the fasting person when the Messenger of Allah (*salAllahu 'alayhi wa sallam*) passed by Ja`far bin Abu talib while he was being cupped and said:

((Both these two have broken their fast.))

Then the Messenger of Allah (*salAllahu 'alayhi wa sallam*) permitted cupping for the fasting person, and Anas would be cupped while fasting.

Ad-Daraqutni said: "All of them (the narrators) are trustworthy and I know no of any deficiency in it."

Abu Al-Faraj Ibn Al-Jawzi said: "Ahmad bin Hanbal said: 'Khalid bin Mukhlid has many *Munkar Hadiths*." I say, a proof that this *Hadith* is one of his *Munkar Hadiths* is that none of the reliable compilations of *Hadith* narrated it, although it seems to meet the criteria of Al-Bukhari.

What is popular among the people of Basrah is that cupping breaks the fast, and Ja`far bin Abi Talib only arrived from Ethiopia in the year of Khaybar, at the end of the sixth year or at the beginning of the seventh year, since Khaybar took place during this period in the seventh year, and they say it was during the year of Mu'tah expedition before the year of the Conquest of Makkah. But he did not attend the Conquest of Makkah, so he observed fast only one time with the Prophet in the seventh year. If this ruling was legislated during that year, it would have been circulated and widespread.

The *Hadith* in question was after this during the eighth year. If it is preserved, it is understood that the Prophet (*salAllahu 'alayhi wa sallam*) said this for two successive years. No confirmed statement has been conveyed from him allowing cupping after that. Thus, it seems to be a *Mudraj Hadith* from Anas who did not say that, or that Anas did not hear this from the Prophet (*salAllahu 'alayhi wa sallam*) but was informed that the Messenger of Allah (*salAllahu 'alayhi wa sallam*) permitted it. Or it may be that some of the *Tabi'in* reported it.

A proof that this *Hadith* is not preserved – neither from Anas nor Thabit – is what Al-Bukhari narrated in his *Sahih* on the authority of Thabit saying: "Anas bin Malik was asked: `Did you (companions) dislike cupping for the fasting person?' He said: 'No

except for fear of weakness.'" There is another nattation that adds the words: "Duing the lifetime of the Prophet (*salAllahu 'alayhi wa sallam*)."

This is Thabit who narrated cupping on the authority of Anas, and there is nothing in this except that they disliked cupping for the sake of the weakness it causes. If he knew that it breaks the fast he would not say this, and if he knew that there was permission for it then he would not say they disliked what the Prophet (*salAllahu 'alayhi wa sallam*) permitted. So it is known that Anas only knew what he thought which was that the companions who only disliked cupping because of the weakness it causes.

This meaning is sound, and it is the reason for breaking the fast just as it is broken by intentionally vomiting and by the menstruation blood of the woman.

What supports the view that breaking the fast by cupping is the abrogating rule, is what is reported from most of his close companions who accompanied him in both residence and travelling and who knew what the others did not know of his affairs like Bilal, 'A'ishah,, may Allah be pleased with them. And like Usamah, and Thawban his two freed slaves may Allah be pleased with them, the Ansar (the helpers) who were his entourage, like Rafi` bin Khadij and Shaddad bin `Aws.

In the *Musnad* of Imam Ahmad; 'Abdur-Razzaq narrated to us, Ma`mar narrated to us from Yahya bin kathir from `Abdullah bin Qaridh from As-Sa`ib bin Yazid on the authority of Rafi` bin Khadij that the Prophet (*salAllahu 'alayhi wa sallam*) said:

((The one cupping and the one cupped have broken [the fast].))

Ahmad bin Hanbal said: "The most authentic *Hadith* in this topic is the *Hadith* of Rafi`."[2]

[Ahmad said: "Yahya bin Sa`id narrated to us from Ash`ath Al-Harani from Usamah bin Zayd that the Prophet (*salAllahu 'alayhi wa sallam*) said:

((The one cupping and the one cupped have broken [the fast].))

Ahmad also said: "Yazid bin Harun narrated to us from Abu Al-'Ala' from Qatadah from Shahr bin Hawshab from Bilal that the Prophet (*salAllahu 'alayhi wa sallam*) said:

((The one cupping and the one cupped have broken [the fast].))

He also said: "`Ali bin `Abdullah narrated to us that `Abdul-Wahab Ath-Thaqafi said: Yunus bin `Ubayd narrated from Al-Hasan from Abu Hurayrah that the Prophet (*salAllahu 'alayhi wa sallam*) said:

((The one cupping and the one cupped have broken [the fast].))

Ahmad said: "Abu An-Nadhr narrated to us; Abu Mu`awiyah narrated to us, from Sufyan, from Layth, from 'Ata' from, 'Aishah' who said that Allah's Messenger (*salAllahu 'alayhi wa sallam*) said:

((The one cupping and the one cupped have broken [the fast].))

Although it is said that Al-Hasan Al-Basri did not hear from 'Usamah nor from Abu Hurayrah, he has many *Hadiths* from the companions on this topic by which he used to make verdicts, such narrations are Ma`qal bin Sinnan, `Usamah and Abu Hurayrah, this is why Al-Bukhari said: "Al-Hasan would." The people of Basrah used to close the cupping shops at the beginning of the month of Ramadhan, as mentioned by Ahmad and others.

Anas bin Malik was the last to die in Basrah, and all the scholars of Basrah used to follow his views. Had there been a Sunnah with Anas from the Prophet stating his permission of cupping after the prohibition of it, then it would have been known and followed by the people of Basrah; especially when it is mentioned that Thabit is the one who heard it from Anas. Thabit was one of Basrah's well known scholars and one of the closes to Al-Hasan. How then it is imagined that Anas had this Sunnah while the abrogated Sunnah was widely spread among the people of Basrah, and the abrogating Sunnah was with Anas but unknown either by them nor preserved by their scholars whose view it was that cupping breaks the fast. A further support to this is that Abu Qilabah is one of the closest companions of Anas and he is the one who narrates the *Hadith*:

((The one cupping and the one cupped have broken [the fast].))

Those who say that cupping breaks the fast have different views, in the *Madhhab* of Imam Ahmad and others:]

- The Fast of the one cupped is broken not the one cupping; since the one cupping does not do anything that would break the fast. This was mentioned by Al-Kharqi since he mentioned "when one is cupped" among the times that break one's fast, but he did not mention when one cups.

But what is popularly written from Ahmad and the majority of his companions is that both matters break the fast, and this is what is proven by the texts, so there is no way to avert it, even if we did not understand the wisdom behind it.

- It breaks the fast only in case of the one cupped whose blood is drained, cases of venesection and other things that are not covered by the term "cupping" do not break the fast. This is the saying of Al-Qadhi and his companions. This is the view mentioned by the author of *Al-Muharrar*. Then, according to this saying, does slitting the ear fall under the category of cupping or not? The later scholars differ over this. Some of them said that is a kind of cupping. This is what was said by our Shaykh Abu Muhammad Al-Maqdisi, and it is supported by all the scholars` statements. For there is nothing in their sayings that make an exception

> for such incisions, and if it was something that did not fall under the category of cupping then they would have mentioned it therefore it is known that, according to them, incision area a kind form of cupping. Our Shaykh Abu Muhammad said: “This is what is correct.” Up to his saying. [3]

[“Some of them said these cuts are not of a type of cupping since the process is even weaker than venesection. If they say that venesection does not break the fast, then such incisions would fall into two different categories. This is the view of Abu `Abdullah bin Hamdan.

But the first view is more correct since incisions are a type of cupping or similar to it every way since cupping is not limited to the leg, it is done on the head, the neck, the nape, etc.

Those who differentiate between them say: “the one making an incision does not suck the blood from the vein as the one cupping does, thus, he is not the same the one cupping, and therefore he can not be considered the same as one being cupped either.’

The answer to this is that he is classified under the one being cupped although he is not classified under one cupping, or even though he is not considered cupping what he is doing is the same in all aspects. There is no fundamental difference between them.

It may also be said that one making an incision is a cupper, but it does not break the fast because the term cupper used by the Messenger *salAllahu ‘alayhi wa sallam*) was customarily known by them while they did not practice incisions.

As for the case of the one being cupped, it includes what was known and what was unknown; since the meaning denotes all of them, contrary to the meaning of cupper.

It may be said that it is included by the meaning of one cupping, but the one cupping sucks the blood and is liable to have some of the blood enter his throat as we discussed before.

Some others say that the fast is broken by the one cupping, but the one cupping sucks the blood and is liable to have some of the blood enter his throat as we discussed before.

Some others say that the fast is broken by the one making incisions. This is the view of those who consider the term cupping to include both meanings.

As for those who said that cupping but not venesection breaks one’s fast, they allege that it is an act of worship, so we do not have to know the wisdom behind it, and analogies for it cannot be made.

Ibn `Aqil said: “The fast of the one cupped is broken due to the cut in the skin, even if there was no discharge of blood; since this is included in the meaning of the word cupping.’ This is the weakest view.]

- This is the right view and the choice of Abu Al-Muzaffer bin Hubayrah, the just and the knowledgeable, that both cupping, venesection and the like break the fast. That is because the meaning (action) done in cupping is done in venesection legislatively, reasonably, and naturally. Since the Prophet (*salAllahu 'alayhi wa sallam*) has persuaded cupping and even ordered it, his persuasion would include what falls under its meaning like venesection and the like.

The extreme heat in hot lands agitates the blood which rises under the skin, then it is drained by cupping. As for cold lands, the blood sinks in the veins due to the cold; since like things attract. Likewise; stomachs get hot in winter and cold in summer. Thus, the inhabitants of cold lands practice venesection and incisions in the veins, while those of the hot countries practice cupping. There is no difference whatsoever between the, neither legislatively nor from the view of reason."

We have clarified that the view that cupping breaks the fast is in accordance with both the fundamentals and analogy, and that it is in the same category as menstruation blood, intentional vomiting, and masturbation.

Based on this, any way that one intends to drain their blood would break their fast, just as it is broken by intentional vomiting by any means; whether one puts his hand inside his mouth, inhales what helps throw up the food in his stomach, or if one puts his hand under his belly to vomit intentionally. These are different ways to vomit intentionally. These are different ways to vomit intentionally, and the other cases are different ways to drain blood. Similarly the drainage of blood by any means mentioned, this one or that one is the same from the view that it is an attempt to purify.

Thus, the perfection of the Shari`ah, its justice, and its moderation is clarified, and that what has been established by texts and their meanings conform and concur with each other. Allah, the Almighty, says:

{ وَلَوْ كَانَ مِنْ عِندِ غَيْرِ اللّهِ لَوَجَدُواْ فِيهِ اخْتِلاَفًا كَثِيرًا }

{Had it been from other than Allah, they would surely have found therein many a contradiction.}(4:82)

As for the one cupping, he removes the air in the cup by sucking the air from it. Then the air attracts the blood therein. It happens that some tiny drops of the blood ascend with the air and reach his throat while he is unaware of it.

The rule in the case of something subtle but probable is that of presumption. For example; the sleeping one who passes wind while not knowing is commanded to perform the ablution. This applies to one cupping even more so because some of the drained blood may reach his stomach through his saliva while he does not perceive it. The blood falls into the category of the greatest fast breakers. It is unlawful by itself since it encourages lusts and transgressing the just limits. The fasting person is commanded to reduce its quantity (by fasting). The (suckled) blood increases the blood of the one cupping, and this is prohibited. For this reason the fast of the one sleeping is nullified

even though he is not sure he passed wind, since it may occur while he is unaware. The case is the same since the blood may enter the throat of the cupper while he is unaware of it. As for the one making an incision, he is not a cupper; since he is not liable to have blood in his throat, his fast is not broken.

Therefore if a cupper does not suck on the cup, or has someone suck the blood instead of him, or he drains the blood a different way, then his fast would not be broken. The Prophet's (*salAllahu 'alayhi wa sallam*) statement was meant only for the familiar cupper, although the wording is general. Even if he (*salAllahu 'alayhi wa sallam*) meant only a specific person, the ruling still applies to all others under his category. The legislative rule is that if a duty is applied to one person in the community then it applies to all of the community. Thus, anyone or anything not falling under definition of the word is not intended by the word and the concerned ruling is not applied to him in accordance with the *Shari`ah* and with reason.

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[1] One who owns two hundred or more camels [Al-Qamus Al-Muhit]
[2] The section between brackets appears to have been added from a different section of the Fatawa of Ibn Taymiyyah. And Allah knows best.
[3] See the previous note

Question and Answers

Fasting the Cloudy day and the Day of Doubt

Shaykh al-Islam, may Allah have mercy upon him, was asked about fasting on the day of cloud cover, whether it is obligatory or not, and on the day of doubt, is it prohibited or not.

He answered:

As for the case of a cloudy day when the crescent cannot be seen or it is difficult to see it, then the scholars have a number of sayings about it, that is, these are from the Madhhab of Ahmad as well as others.

1. That fasting it is prohibited. But this prohibition is either a type of Tahrim (absolutely unlawful), or Tanzih (severely discouraged) according to two views. This is what is well known in the *Madhhab* of Malik and Ash-Shafi`i. It is also the view of Ahmad in one of the reports and it was the choice of a group of his companions like Abu Al-Khattab, Ibn `Aqil, Abu al-Qasim bin Mandih al-Asbahani and others.
2. That fasting it is obligatory as chosen by Al-Qadhi, Al-Kharqi, and others among the companions of Ahmad. It is even said that this is the most famous of what is reported from Ahmad. But what is confirmed from Ahmad for any who is familiar with his texts and statements is that he considered it recommended to fast on the cloudy day, following `Abdullah bin `Umar did not oblige people to fast it, but he would do so out of precaution. This was narrated on the authority of `Umar, `Ali, Mu`wiyah, Abu Hurayrah, Ibn `Umar, 'A'ishah, 'Asma' and others.

Among them were some who would not fast it, as in the case of the majority of the companions. Others would prohibit fasting on it, like `Amar bin Yasir, and others. So Ahmad, may Allah be pleased with him, would fast it out of precaution.

As for it being an obligation to fast it, this has no foundation among the words of Ahmad or his companions. Rather many of his followers believed that it was obligatory according to his *Madhhab* and they support that view.

3. It is allowable to fast it or not. This is the *Madhhab* of Abi Hanifah and others. It is also the *Madhhab* of Ahmad in the clear texts from him. It is the *Madhhab* of many of the companions and the *Tabi`in* if not the majority of them.

Just as it is known that there is something obstructing the observance of dawn, then refraining or not (from eating, drinking and sexual intercourse) is allowable i.e. one is

permitted either to refrain if he wants or to eat and drink until he is sure of dawn. Likewise, if one is in doubt whether he passed wind or not. He has the choice either to perform the ablution if he wants or not to perform it if he does not want to. In the same way, what if he is in doubt about whether it is time to pay *Zakah* or not? Or if he is in doubt whether the amount due for *Zakah* is one hundred or one hundred and twenty, so he pays the higher amount?

All the rules of the *Shari`ah* uphold the fact precaution is neither obligatory nor unlawful. One has the choice to fast it either with a general intention or the particular one. That is to intend fasting it is a day of Ramadhan, if it is Ramadhan, otherwise not. This is allowed in the Madhhab of Abu Hanifah, and Ahmad in accordance with the most correct of the two narrations from him. This was reported by Al-Marwazi and others. It is also the choice of Al-Kharqi in his explanation to *Al-Mukhtasar* and the choice of Abu Al-Barakat and others.

As for the second opinion, it is that it is not allowed except with the intention that it is a day of Ramadhan; this is according to one of the two narrations from Ahmad. This was the view chosen by Al-Qadhi and a group of his companions.

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Fasting and Shortening the Prayer for the Traveler

He was asked also about the traveler in the month of Ramadhan who is fasting and is rebuked for doing so. He is called ignorant, and it is said to him that breaking his fast is better.

And what is the distance required in order to shorten (the prayers)? If the day has begun in which one is to travel does he break his fast? Is the fast broken by those who lease out donkeys for hire, merchants, those who lease out camels, the sailor, and those traveling by sea? And what is the difference between travelling for an act of obedience and traveling for an act of disobedience?

He answered:

Praise be to Allah: Breaking the fast for one travelling is permissible according to the agreement of the Muslims, whether one is traveling for *Hajj*, *Jihad*, trading etc., or other cases of travels that are not disliked by Allah and His Messenger (*salAllahu 'alayhi wa sallam*).

They disputed over traveling for an act of disobedience, like one who travels for highway robbery and the like, for which there are two views, and they also disputed over shortening the prayer.

In the case of the journey for which shortening prayer is allowed, breaking the fast is permissible as long as it is later made up according to the agreement of the Imams. Breaking the fast is allowable for the traveler whether he was able to fast or unable to fast, whether it was easy for him to fast or not. Even if he was traveling in the shade with provisions and a servant, he is allowed to break his fast.

Whoever alleges that breaking the fast is only allowed for one unable to fast, then such a person is to be asked to repent. He either repents, or he is to be killed. Whoever condemns the traveler who breaks his fast is also sought to repent.

Whoever says the traveler who breaks his fast commits a sin, he is also sought to repent. All of these cases contradict the Book of Allah, and the Sunnah of the Messenger of Allah (*salAllahu 'alayhi wa sallam*) and they contradict the consensus of the *Ummah*.

It is also the Sunnah for the traveler to pray the four *Rak`ah* prayer as two *Rak`ahs* only. Shortening is better than performance of the normal four *Rak`ahs* of the prayer according to the four Muslim *Imams*; Malik, Abu Hanifah, Ahmad and Ash Shafi`i in the most correct of his views.

The *Ummah* did not dispute over the permissibility of breaking fast for the traveler. They disputed over the permissibility of fasting. A group of the predecessors and the successors consider that the one fasting while traveling is like the one breaking his fast while a resident, and that his fast is not rewarded at all and he must make it up. This is reported from `Abdur-Rahman bin `Awf, Abi Hurayrah, and others among the predecessors. And this is the *Madhhab* of the *Dhahiriyah*.

In the Two *Sahihs*, it is recorded that the Prophet (*salAllahu 'alayhi wa sallam*) said:

((It is not an act of righteousness to fast while traveling.)) (Al-Bukhari and Muslim)

But the *Madhhab* of the four Imams is that it is permissible for the traveler to fast or to break his fast. As reported in the Two *Sahihs* on the authority of Anas, may Allah be pleased with him: "We used to travel with the Prophet (*salAllahu 'alayhi wa sallam*); some of us would fast, and some of us would break their fast. Neither the fasting would criticize the one breaking his fast, nor would the one breaking his fast criticize the one fasting." Allah, the Almighty said:

{وَمَن كَانَ مَرِيضًا أَوْ عَلَى سَفَرٍ فَعِدَّةٌ مِّنْ أَيَّامٍ أُخَرَ يُرِيدُ اللّهُ بِكُمُ الْيُسْرَ وَلاَ يُرِيدُ بِكُمُ الْعُسْرَ}

{And whoever is ill or on a journey, the same number (of fasting days missed must be made up) from other days. Allah intends ease for you, and He does not want to make things difficult for you.}

It is recorded in the Musnad that the Prophet (*salAllahu 'alayhi wa sallam*) said:

((Indeed, Allah likes that His permission be adopted, just as He hates that acts of disobedience be committed.)) (Ahmad)

It is recorded in the *Sahih* that a man said to the Prophet (*salAllahu 'alayhi wa sallam*): "I am a man that fasts often. Am I allowed to fast while traveling?" He (*salAllahu 'alayhi wa sallam*) said:

((If you break your fast, this is good. And if you fast, there is no harm.)) (Al-Bukhari and Muslim)

In another *Hadith* he (*salAllahu 'alayhi wa sallam*) said:

((The best among you are those who shorten their prayers and do not fast while traveling.)) (`Abdur-Razzaq)

As for the distance for shortening the prayer and breaking one's fast: In accordance with the *Madhhab* of Malik, Ash Shafi`I and Ahmad, it is a journey of two days on foot or by camels. It is sixteen *Farsakhs* (approx. three miles each), equal to the distance between Makkah and Usfan, or Makkah and Jeddah.

Abu Hanifah said it is a journey of three days. A group of the predecessors and the successors said that one is permitted to shorten the prayer and break the fast for traveling for less than two days. This is a strong view since it is confirmed that the Prophet (*salAllahu 'alayhi wa sallam*) would perform the prayer at `Arafah, Muzdalifah, and Mina in shortened fashion. Behind him were the inhabitants of Makkah and others following him. He did not command any of them to complete the prayer.

If one travels during a day, it is permissible for him to break his fast? There are two well-known sayings of the scholars of *Fiqh*, both of which are reported via two narrations from Ahmad.

The Most apparent one of them is that it is allowed. As confirmed in the *Sunan* that some of them companions used to break his fast if they initiated their journey during the day, and they mentioned that it was a Sunnah of the Prophet (*salAllahu 'alayhi wa sallam*).

It is confirmed in the *Sahih* that the Prophet intended to travel while fasting, then he asked for a water container and broke his fast while the people were watching him. (Al-Bukhari and Muslim)

As for the second day (of the travel), undoubtedly, one breaks his fast, even if his journey is only for two days, according to the majority of the *Imams* and the *Ummah*.

But if the traveler returns during the second day, the scholars of *Fiqh* have different well-known views about the obligation of breaking his fast. But he has to make it up whether he breaks his fast or not.

Those who regularly travels, breaks his fast when he has a place to resort to. Like the trader who imports food and other commodities, the one who hires out his mounts, the

courier who travels for the Muslim interests and the like. The sailor who has a place on the land where he lives, they all have the same ruling.

As for the one who has his household with him on the ship and permanently travels, he is not permitted either to shorten the prayer nor to break his fast.

The dwellers of the desert, like the Bedouin Arabs, the Kurds, the Turks who spend winter in one place and spend summer in another place – while they are traveling from their winter residence to their summer residence they shorten prayers. When they reach their winter or summer residences they are not permitted to shorten their prayers nor to break their fast, even if they were moving from one location to another in search of pastures. And Allah knows best.

Fasting for the Traveler: Better or Worse

He was asked about a traveler during Ramadhan who suffered neither hunger, thirst, nor toil. What is better for him; to fast or break his fast?

He answered:

As for the traveler he breaks his fast according to the consensus of the Muslims, even if there is no inconvenience. Breaking the fast is better for him. If he fasts, it is allowed according to the majority of scholars; but a group of them say that there is no reward for him.

* * *

Must One Intend to Fast the Night Before?

He was asked about an *Imam* of a congregational *Masjid* who was a Hanafi, who mentioned to his congregation that he has a book which states that fasting in Ramadhan without an intention before *'Isha'* of the previous night, or after it, or the time of the pre-dawn meal, then such fasting will not be rewarded. Is this correct or not?

He answered:

Praise be to Allah. Every Muslim should believe that the fast is obligatory for him, and he wants to fast the month of Ramadhan. If he knows that the next day is a day of Ramadhan, he has to intend fasting and to know that the intention is only by the heart. Everyone who knows what he wants should intend it whether he utters his intention or does not utter it.

Utterance of the intention is not obligatory according to the consensus of the Muslims. Masses of the Muslims fast while having this intention, and their fast is sound without any dispute between the scholars.

As for determining the intention for (fasting) the month of Ramadhan: Is it obligatory? There are three views in the *Madhhab* of Ahmad:

1. The fast will not be rewarded for without the intention to fast the month of Ramadhan. If he fasts with a general intention, or specific, or an intention for a voluntary fast, or to fulfill a vow, he should be rewarded for none of these, as is popular in the *Madhhab* of Ash Shafi`i, and Ahmad in one of the narrations.
2. It is worthy of reward in general, according to the *Madhhab* of Abu Hanfiah.
3. Fasting with an intention that is not specified is worthy of reward, except in the case of the intention of Ramadhan. This is the third narration from Ahmad. It is the choice of Al-Kharqi and Abu Al-Barakat.

The truth of this issue is that the intention follows the knowledge. If he knows that the coming days is a day of Ramadhan, he has to define the intention in accordance with it. If he intends to observe an optional fast, or undefined fast, his fast is not liable to be rewarded. Since Allah, the Almighty, commanded him to intend fulfilling an obligatory fast which is the month of Ramadhan, which he knows is obligatory. If he does not do the obligatory action, he does not meet his obligation.

But if he does not know that the coming day is of the month of Ramadhan, he is not required to define the intention. Whoever (of the scholars) considered it obligatory while he did not know, he is obliging the existence of two contradicting things simultaneously.

If it is said that his fast is allowable, and he fasts in such case with either a specified or unspecified intention, then his fast is worthy of reward. But if he intends an optional fast, then he comes to know that it was of the month of Ramadhan, his fast is liable to be meritorious. His case is like the case of a man who had some amount of money due from him without knowledge of it, then he gave it anyway as a form of charity. Later it became known that he actually owed that amount to whom he paid it. Thus he is not required to pay it again. He will say: "What I gave you was what I owed you." And Allah knows the realities of all things.

As for the narration from Ahmad which states that the people are to follow the *Imam* in his intention, and that fasting and breaking the fast is to be done in accordance with what the people know – this is based upon what is recorded in the *Sunan*; The Prophet (*salAllahu 'alayhi wa sallam*) said:

((Your fast is on the day you fast. Your breaking fast is on the day you break your fast. Your day of 'Id Al-Adha is on the day you celebrate it.)) (Abu Dawud and At-Tirmidhi)

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Is the Intention Necessary Every Day?

He was asked: "What about one intending fast; does he need to form the intention every day or not?"

He answered:

Everyone who knows that the coming day is a day of the month of Ramadhan and he knows that he is to fast it, then he has intended to whether he proclaimed it or not. This is what the masses of the Muslims do, all of them intend to fast.)

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How Fast is the Fast to be Broken?

He was asked: about the sunset: "Is it permissible for the fasting person to break his fast as soon as the sun sets?"

He answered:

If the whole disc of the sun disappears, the fasting person permitted to break his fast, it does not matter if the red color still remains in the horizon.

When the whole disc disappears, darkness appears from the east. The Prophet (*salAllahu 'alayhi wa sallam*) said:

((When the night comes from here, and the day ends up there, and the sun has set, indeed the fast is to be broken.)) (Al-Bukhari and Muslim)

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Eating After the Earlier *Adhan*

He was asked about a fasting person who ate after the *Adhan* of *Subh* prayer during Ramadhan: "What would the case be?"

He answered:

Praise be to Allah. If the *Mu'adhdhin* was calling the *Adhan* before *Fajr* has entered – as Bilal would call the *Adhan* before *Fajr* began during the time of the Prophet (*salAllahu 'alayhi wa sallam*), and as the *Mu'adhdhins* do in Damascus and in other countries before *Fajr* begins – then there is no harm in eating or drinking after this for a little while.

If he is in doubt about whether *Fajr* has entered or not, then he is permitted to eat and drink until it is clear that it has entered. If after that he learns that he had eaten after *Fajr* had begun then there is a difference of opinion over whether it is obligatory for him to make it up or not.

The most apparent view is that it is not obligatory for him to make it up as is confirmed from `Umar. A group of predecessors and the successors have the same view. But making it up is the popular ruling according to the *Madhhabs* of the Four Imams. And Allah knows best.

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If Fasting Causes Fainting and Madness

He was asked about a man who, whenever he wants to fast, he faints, and speaks incomprehensibly. He may continue for days in this state. Some people accuse him of madness, although this is not apparent from him?

He answered:

Praise be to Allah. If fasting causes such illness for him, he is permitted to break his fast and make it up. If this happens whenever he fasts, then he is unable to fast. Hence he is required to feed a poor person for everyday he breaks the fast. And Allah knows best.

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The Case of A Pregnant Woman

He, may Allah have mercy on him, was asked about a pregnant woman who saw discharge similar to that of menstruation. The blood seems regular. The midwives advised her to break her fast for the embroyo's health. The woman felt no pain. Is she permitted to break her fast or not?

He answered:

If the pregnant woman fears any harm may befall her embryo, she is permitted to break her fast, then make up a day for a day and feed a poor person for each day of the days she broke her fast a pound of bread with its condiment. .

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